

**June 2006**  
**FACT SHEET**  
**Navajo Tribal Utility Authority (NTUA) - Pinon**  
**NPDES Permit No. NN0024228**

**I.     Introduction**

On January 21, 2001, the Navajo Tribal Utility Authority (NTUA) was issued an NPDES Permit (AZ0024228) for the Pinon wastewater treatment lagoon facility. The permit became effective January 21, 2001 and expired at midnight January 21, 2006. NTUA reapplied for reissuance on October 18, 2005.

The NPDES permit number for this facility has been changed to NN0024228. EPA Region 9 has implemented a change to the NPDES permit identification issued in the Navajo Nation. The two-letter prefix of the permit number identifying the AZ state code for Arizona is being replaced with NN for Navajo Nation to provide for more efficient data management. Effective January 2006, the new NN prefix will be used in the USEPA data systems to identify all NPDES permits in the Navajo Nation.

Applicant Address: Navajo Tribal Utility Authority  
P.O. Box 170  
Fort Defiance, Arizona 86504

Applicant Contact: Harry L. Begaye, Technical Assistant  
(928) 729-5721

Facility Address: Navajo Tribal Utility Authority (Chinle District)  
P.O. Box 549  
Chinle, Arizona 86503

Facility Contact: Daniel Wauneka, District Manager  
(928) 674-5470

**II.    Background**

The NTUA-Pinon wastewater treatment lagoons are located in Pinon, Navajo County, Arizona, in the central portion of the Navajo Nation. The facility serves a population of about 1,613, receiving only domestic sewage with a design flow of 0.3 million gallons per day (MGD). The facility is a four-cell facultative lagoon system. Transfer piping allows wastewater to flow in succession from Cell #1 to Cell #2, then to Cell #3 and Cell #4. There is no pretreatment or aeration of the wastewater. This facility was originally designed as a total retention system to treat wastewater. However, the NTUA submitted a permit application because effluent may be discharged from Cell #4, which was constructed for wetland use and divided into three smaller compartments. Gas chlorination will be used to

disinfect the wastewater before any discharge. Effluent is discharged through a pipe from Outfall No. 001 to Wepo Wash, a tributary to Polacca Wash, a tributary to the Little Colorado River. Any sampling and monitoring under the proposed permit shall be performed at the proposed Outfall No. 001.

The Endangered Species Act (ESA) requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) if their actions could beneficially or adversely affect any threatened or endangered species. Due to the continued low quantity and intermittent nature of the discharge, EPA is again making a preliminary determination that effluent released in compliance with this permit will have no effect on any threatened or endangered species that may be present in the area. No requirements specific to the protection of endangered species are proposed in the permit. A copy of the permit and fact sheet is being sent to the USFWS and its Navajo counterpart, the Department of Fish & Wildlife's Navajo Natural Heritage Program, for review during the public comment period.

### **III. Navajo Nation Surface Water Quality Standards**

The Navajo Nation has received Treatment as a State ("TAS") for Sections 106 and 303 of the Clean Water Act ("CWA"). In January 2006, the Navajo Nation received TAS to administer the water quality standards and certification programs under Sections 303 and 401 of the CWA.

Section 106 grant money was used to develop water quality standards and use designations, which must be approved under Section 303 by EPA Region 9. In March 2006, EPA approved the 1999 Navajo Nation Surface Water Quality Standards ("NNSWQS") that were promulgated on November 9, 1999 and submitted along with the TAS application under Section 303. A revision to the NNSWQS was approved by the Navajo Nation Council on July 30, 2004. The approved 1999 Navajo Nation water quality standards and 2004 revisions will be used on a best professional judgment ("BPJ") basis for purposes of developing water quality based effluent limitations.

### **IV. Basis of Proposed Permit Requirements**

The proposed discharge limitations are based on:

- A. Secondary Treatment Regulations contained in 40 CFR Part 133, Sections 133.101 through 133.105, promulgated September 20, 1984, and most recently amended on January 27, 1989.
- B. Approved 1999 Navajo Nation Surface Water Quality Standards; 2004 NNSWQS revisions, promulgated on July 30, 2004.

### **V. Designated Uses of the Receiving Water**

The designated uses of the receiving water (Polacca Wash of the Little Colorado River Basin), as defined by the NNSWQS are secondary human contact, aquatic habitat, and livestock and wildlife watering (Table 204.1, page 19.)

## **VI. Determination of Effluent Limitations, Monitoring, and Reporting Requirements**

### **A. Flow Rates**

Under the proposed permit, there is no flow limit, but the flow must be monitored and reported. The monitoring frequency is once/month which is the same as the previous permit.

### **B. Five-Day Biochemical Oxygen Demand (BOD<sub>5</sub>)**

Under the proposed permit, the discharge shall not exceed a weekly average of 65 mg/l and a monthly average of 45 mg/l BOD<sub>5</sub>, and shall achieve no less than a monthly average rate of 65% removal. These limits are required under 40 CFR Section 133.102(a) and 133.105(a)(3).

Under 40 CFR Section 122.45(f), mass limits are required for BOD<sub>5</sub>. Based upon the 0.3 MGD flow, the mass limits for BOD<sub>5</sub> are based on the following calculations:

#### Monthly average

$$\frac{0.3 \text{ MG}}{\text{day}} \times \frac{45 \text{ mg}}{1} \times \frac{8.345 \text{ lb/MG}}{1 \text{ mg/l}} \times \frac{0.45 \text{ kg}}{\text{lb}} = 50.7 \text{ kg/day}$$

#### Weekly average

$$\frac{0.3 \text{ MG}}{\text{day}} \times \frac{65 \text{ mg}}{1} \times \frac{8.345 \text{ lb/MG}}{1 \text{ mg/l}} \times \frac{0.45 \text{ kg}}{\text{lb}} = 73.2 \text{ kg/day}$$

The daily maximum will also be monitored and reported. The monitoring frequency is once/month which is the same as the previous permit.

### **C. Total Suspended Solids (TSS)**

Under the proposed permit, the discharge shall not exceed a weekly average of 135 mg/l and monthly average of 90 mg/l TSS, and shall achieve no less than a monthly average rate of 65% removal. These limitations (Alternate State Requirements) are consistent with 40 CFR 133.101(f), 133.102(b), and 133.105(b). Mass limit requirements in accordance with 40 CFR 122.45(f)

have also been set in the proposed permit. Mass loadings shall not exceed a 7-day average of 152 kg/day and a 30-day average of 101 kg/day. The monitoring frequency is once/month.

D. Determination of Effluent Limitation for *Escherichia coli* (*E. coli*)

In the proposed permit, the monthly geometric mean of *E. coli* bacteria shall not exceed 126/100 ml and 576/100 ml as a single sample maximum. These limits are based on the NNSWQS for secondary human contact (p.26). The previous permit utilized fecal coliform bacteria (FCB) values but the amended NNSWQS replaced FCB with *E. coli*. The monitoring frequency is once/month.

E. Total Residual Chlorine (TRC)

The permit requires chlorination of the effluent before discharge. The discharge shall not exceed a monthly average of 5 ug/l and 11.0 ug/l as a single sample maximum, based on the NNSWQS for the tributaries to Polacca Wash. These limits are based on Best Professional Judgment and should assure that the Navajo Nation Surface Water Quality Standards for protection of aquatic life, and wildlife and livestock (11 mg/l) is met in the receiving water when aquatic life is present (Table 205B.2, page 30.) The monitoring frequency is once per week. The monitoring frequency is once per month for the receiving water.

F. Total Dissolved Solids (TDS)

The proposed permit requires monitoring and reporting of both the influent and effluent TDS. The regulations at 40 CFR 122.44(i) allow requirements for monitoring as determined to be necessary. The monitoring frequency is once/quarter.

G. Total Ammonia Nitrogen (  $\text{NH}_3\text{-N}$  )

The proposed permit establishes a monitoring and reporting requirement for total ammonia nitrogen, which includes the ammonium ion ( $\text{NH}_4^+$ ) and free ammonia ( $\text{NH}_3$ ). The monitoring frequency is once per quarter. If analytical results for the first four quarters reveal ammonia levels are below EPA's National Water Quality Criteria for ammonia, the monitoring frequency will decrease to once per year. The regulations at 40 CFR Part 122.44(i) allow requirements for monitoring as determined to be necessary. The criteria for ammonia are pH and temperature dependent.

H. pH

The proposed permit requires that effluent pH not fall below 6.5 or above 9.0 standard pH units, consistent with the NNSWQS for the tributaries to Polacca Wash. The monitoring frequency is once/month.

I. Temperature

The proposed permit establishes a monitoring requirement for temperature. The monitoring frequency is once/quarter.

**VII. Reporting**

The proposed permit requires discharge data obtained during the previous three months to be summarized on monthly DMR forms and reported quarterly. If there is no discharge for the month, report “C” in the No Discharge box on the DMR form for that month. These reports are due January 28, April 28, July 28, and October 28 of each year. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the EPA Regional Administrator and the Navajo Nation EPA.

**VIII. General Standards**

The proposed permit sets general standards that are narrative water quality standards contained in the Navajo Nation Water Quality Standards, Section 203. These general standards are set forth in Section B. General Discharge Specifications of the permit.

**IX. Permit Reopener**

At this time, there is no reasonable potential to establish any other water quality-based limits. Should any monitoring indicate that the discharge causes, has the reasonable potential to cause, or contributes to excursions above water quality criteria, the permit may be reopened for the imposition of water quality-based limits and/or whole effluent toxicity limits. The proposed permit may be modified, in accordance with the requirements set forth at 40 CFR 122 and 124, to include conditions or limits to address demonstrated effluent toxicity based on newly available information, or to implement any new EPA-approved Tribal water quality standards.

**X. Biosolids Requirements**

The permittee shall submit a report 60 days prior to disposal of biosolids. The report shall discuss the quantity of biosolids produced, the treatment applied to biosolids including process parameters, disposal methods, and, if land applied, analyses for Arsenic, Cadmium,

Chromium, Copper, Lead, Mercury, Molybdenum, Nickel, Zinc, and Selenium, and organic-N, ammonium-N, and nitrate-N, all expressed in mg/kg biosolids on a 100% dry weight basis. The permittee shall comply with all standards for biosolids use and disposal at Section 405(d) of the CWA, and 40 CFR Parts 257, 258 and 503.

## **XI. Threatened and Endangered Species and Critical Habitat**

### **A. Background:**

Section 7 of the Endangered Species Act (ESA) of 1973 requires Federal agencies such as EPA to ensure, in consultation with the U.S. Fish and Wildlife Service (FWS), that any actions authorized, funded or carried out by the Agency are not likely to jeopardize the continued existence of any Federally-listed endangered or threatened species or adversely modify or destroy critical habitat of such species. Since the issuance of NPDES permits by EPA is a Federal action, consideration of a permitted discharge and its effect on any listed species is appropriate.

The proposed NPDES permit authorizes the discharge of municipal waste into Wepo Wash, a tributary to Polacca Wash, a tributary to the Little Colorado River, a water of the United States. The proposed permit contains provisions for monitoring conventional, toxic chemicals, and nonconventional pollutants in compliance with the Navajo Nation Surface Water Quality standards, to ensure an appropriate level of quality of water discharged by the facility. Re-opener clauses have been included should new information become available to indicate that the requirements of the permit need to be changed.

EPA has received species listing information from the Navajo Nation's Department of Fish & Wildlife – Natural Heritage Program (NHP) in December 2005. The FWS has deferred all of its survey and information collection in the Navajo Nation to the Navajo Nation NHP. In its response, NHP stated that although it has no record of species of concern occurring on or near the project site at this time, the potential for certain species of concern to occur needs to be evaluated. In addition, NHP has identified Charadrius montanus (Mountain Plover); *NESL group 4*; *ESA proposed threatened*; *MBTA* as a species of concern with potential to occur on the 7.5-minute Pinon, AZ quadrangle(s) containing the project boundaries. Potential is based primarily on quadrangle-wide coarse habitat characteristics and species range information.

### **B. EPA's Finding:**

This permit authorizes the discharge of treated wastewater in conformance

with the Federal secondary treatment regulations and the Navajo Nation Surface Water Quality Standards. These standards are applied in the permit both as numeric and narrative limits. Therefore, since the standards themselves are designed to protect aquatic species, including threatened and endangered species, any discharge in compliance with these standards should not adversely impact any threatened and endangered species. Furthermore, the water course into which the effluent is discharged is an ephemeral river bed, which without the discharge of effluent would be dry. For the majority of the year, the discharge never reaches a perennial stream capable of supporting aquatic habitat.

EPA has determined that due to the low quantity and the intermittent of the discharge, effluent released in compliance with this permit will have “No Effect” on any Federally-listed threatened or endangered species or its critical habitat that may be present in the area. The treatment facility has been in existence for some time, and no new construction or modifications will be made to it due to the proposed NPDES permit. No requirements specific to the protection of endangered species are proposed in the permit.

## **XII. Information and Copying**

The Administrative Record, which contains the draft NPDES permit, the fact sheet, comments received, and other relevant documents, is available for review and may be obtained by calling or writing to the above address.

All comments or objections received within thirty (30) days from the date of the Public Notice, will be retained and considered in the formulation of the final determination regarding the permit issuance.

## **XIII. Administrative Information -- Public Notice, Public Comments, and Requests for Public Hearings**

In accordance with 40 CFR 124.10, public notice shall be given by the U.S. EPA Director that a draft NPDES permit has been prepared by mailing a copy of the notice to the permit applicant and other Federal and State agencies, and through publication of a notice in a daily or weekly newspaper within the area affected by the facility. The public notice shall allow at least 30 days for public comment on the draft permit.

In accordance with 40 CFR 124.11 and 12, during the public comment period, any interested person may submit written comments on the draft permit, and may request a public hearing if no hearing has already been scheduled. A request for public hearing shall be in

writing and shall state the nature of the issues proposed to be raised in the hearing. In accordance with 40 CFR 124.13, all persons must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position within thirty (30) days from the date of the Public Notice. Comments may be received either in person or mailed to:

U.S. Environmental Protection Agency, Region IX  
CWA Standards and Permits Office (WTR-5)  
Attn: Linh Tran  
75 Hawthorne Street  
San Francisco, CA 94105  
Telephone: (415) 972-3511

Interested persons may obtain further information, including copies of the draft permit, fact sheet/statement of basis, and the permit application, by contacting Linh Tran (WTR-5) at the U.S. EPA address, above. Copies of the administrative record (other than those which U.S. EPA maintains as confidential) are available for public inspection between 8:00 a.m. and 4:30 p.m., Monday through Friday (excluding federal holidays).

In accordance with 40 CFR 124.12, the U.S. EPA Director shall hold a public hearing when she finds, on the basis of requests, a significant degree of public interest in the draft permit. The Director may also hold a public hearing when, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of such hearing shall be given as specified in 40 CFR 124.10.